

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:17-cr-00130-MR-DLH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARLON HOWELL,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER is before the Court on the Defendant's Motion to Seal Defendant's Post-Hearing Memorandum in Support of His Requested Sentence and Accompanying Exhibit [Doc. 28].

The Defendant, through counsel, moves the Court for leave to file a Post-Hearing Memorandum and Exhibit under seal in this case. For grounds, counsel states that the memorandum and exhibit include detailed sensitive and private personal information concerning his background and prior sentencing, as well as information contained in his Presentence Report, which has been filed under seal. [Doc. 28].

Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable

opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000). In the present case, the public has been provided with adequate notice and an opportunity to object to the Defendant’s motion. The Defendant filed his motion on August 30, 2018, and it has been accessible to the public through the Court’s electronic case filing system since that time. Further, the Defendant has demonstrated that the Post-Hearing Memorandum and Exhibit contain sensitive information concerning the Defendant and that the public’s right of access to such information is substantially outweighed by the Defendant’s competing interest in protecting the details of such information. Finally, having considered less drastic alternatives to sealing the document, the Court concludes that sealing of the Post-Sentencing Memorandum and Exhibit is necessary to protect the Defendant’s privacy interests.

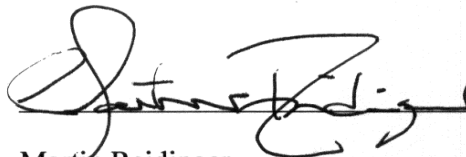
Accordingly, the Defendant’s Motion to Seal is granted, and counsel shall be permitted to file a Post-Hearing Memorandum and Exhibit under seal.

IT IS, THEREFORE, ORDERED that the Defendant’s Motion to Seal Defendant’s Post-Hearing Memorandum in Support of His Requested

Sentence and Accompanying Exhibit [Doc. 28] is **GRANTED**, and the Defendant's Post-Hearing Memorandum [Doc. 29] and Exhibit [Doc. 29-1] shall be filed under seal and shall remain under seal until further Order of the Court.

IT IS SO ORDERED.

Signed: September 25, 2018


Martin Reidinger
United States District Judge

